

REVISED
AMENDED**ARIZONA STATE SENATE**
RESEARCH STAFF

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TO: MEMBERS OF THE SENATE

DATE: March 8, 2023

SUBJECT: Strike everything amendment to S.B. 1402, relating to ASDB

Purpose

Expands the population served by the Arizona Schools for the Deaf and the Blind (ASDB) to include children with at least one disability as defined. Adds to services ASDB must provide to educational programs and modifies requirements relating to admissions procedures and recordkeeping.

Background

ASDB provides schools and programs for the education of persons with visual or hearing impairment and serves as an optional resource to school districts, state institutions and approved educational programs. ASDB is a local education agency responsible for providing a free and appropriate public education to students enrolled in its campuses. Subject to statutorily-outlined admission procedures, Arizona residents who are 3 years old through 22 years old and are sensory impaired to the extent that they cannot acquire appropriate education in their school district of residence are entitled to education in the ASDB. ASDB may also enroll children under 3 years old who would benefit from a specialized program ([Laws 1929, Chapter 93](#); A.R.S. §§ [15-1302](#); [15-1306](#); and [15-1341 – 15-1344](#)). *Sensory impairment* is: 1) a visual impairment; 2) hearing impairment; 3) both a visual impairment and hearing impairment; or 4) multiple disabilities if at least one of the disabilities is a visual impairment or hearing impairment ([A.R.S. § 15-1301](#)).

ASDB receives funding in the form of special education vouchers issued by the Arizona Department of Education according to a statutory formula based on the Group B weights for which the attending student qualifies ([A.R.S. § 15-1204](#)).

The Joint Legislative Budget Committee (JLBC) fiscal note estimates that any increase in special education voucher payments for new ASDB students would likely be largely offset by reductions to Basic State Aid payments to the school districts and charter schools that currently serve those students. The JLBC states that there may be substantial impacts to ASDB's operating and capital expenses but cannot determine the magnitude of adjustments to the current \$25.6 million state General Fund appropriation to ASDB that would be necessary for ASDB to serve new students, because the impacts on ASDB enrollment and corresponding changes in instructional programs is highly uncertain ([JLBC fiscal note](#)).

Provisions

1. Designates ASDB to be for the education of children with disabilities, rather than of persons who are sensory impaired, so that the persons educated may become self-sustaining and useful citizens.

2. Entitles, to an education in ASDB without charge, an Arizona resident who is 3 through 21 years old and has at least one of the following disabilities, rather than who is sensory-impaired, to the extent the person cannot acquire an appropriate education in their school district of residence:
 - a) autism;
 - b) developmental delay;
 - c) emotional disability;
 - d) hearing impairment;
 - e) other health impairments;
 - f) specific learning disability;
 - g) mild, moderate or severe intellectual disability;
 - h) multiple disabilities;
 - i) multiple disabilities with severe sensory impairment;
 - j) orthopedic impairment;
 - k) preschool severe delay;
 - l) speech-language impairment;
 - m) traumatic brain injury; and
 - n) visual impairment.
3. Authorizes ASDB to enroll a child who is under three years old without charge if the child has at least one of the outlined disabilities, rather than if the child is sensory impaired.
4. Adds, to the services ASDB must provide as optional resources to school districts, state institutions and other approved educational programs:
 - a) physical therapy;
 - b) occupational therapy;
 - c) speech therapy; and
 - d) mobility therapy.
5. Requires ASDB to keep a complete record of every admitted person from the date of the person's application, rather than admission, to the date of the person's discharge, release, removal, graduation or death.
6. Specifies that the requirement for the chief administrative official of a child's home school district and ASDB Superintendent to locate or establish a program for a child for whom ASDB cannot provide the appropriate education does not allow ASDB to refuse to enroll a person who is statutorily entitled to education in ASDB.
7. Replaces, on a child's placement and evaluation team, a certified teacher of children with a sensory impairment with a certified teacher of children with disabilities.
8. Requires, for the evaluator on a child's placement and evaluation team, that preference be given to an evaluator who is trained and experienced in evaluating the educational needs of children with disabilities, rather than of children with a sensory impairment.
9. Requires the ASDB Board of Directors to ensure that the best methods of teaching children with disabilities, rather than who are sensory impaired, are used in ASDB.

10. Applies the definition of *child with a disability* for the purposes of special education to the definition for the purposes of ASDB.
11. Makes technical and conforming changes.
12. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adopted the strike-everything amendment.
2. Adds, to the services ASDB must provide as optional resources to school districts, state institutions and other approved educational programs.
3. Requires ASDB to keep a complete record of every admitted person from the date of the person's application, rather than admission.
4. Makes conforming changes.

Revisions

- Updates the fiscal impact statement.

Senate Action

ED 2/15/23 DPA/SE 4-3-0